

Chapter 15 SOLID WASTE MANAGEMENT*

***Editor's note:** Chapter 15 is derived from Ord. No. 59-12, adopted June 9, 1959. Ord. No. 60-1 declared Ord. No. 59-12 to be amendatory to this Code.

Cross references: Dumps and landfill sites, Ch. 11B; lot, junk, garbage and trash clearing, Ch. 19; environmental protection, Ch. 24; sanitary nuisance, Ch. 26A.

State law references: Solid waste, F.S. § 403.701 et seq.

Sec. 15-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

- (a) *Board*: The Miami-Dade County Board of County Commissioners.
- (b) *Bulky waste*: Less than one (1) cubic yard of construction and demolition debris, large discarded items or large accumulations of trash. Bulky waste shall include, without limitation, appliances, furniture, yard trash, crates, corrugated cardboard, and other similar items. Bulky waste shall not include tires or other solid waste requiring special handling.
- (c) *Bundled yard trash*: Clean yard trash which is gathered into bundles and tied securely so that each bundle does not exceed three (3) feet in length or weigh more than fifty (50) pounds.
- (d) *Clean yard trash*: Yard trash free of other forms of solid waste.
- (e) *Commercial establishment*: Any structure used or constructed for use for business operations. For purposes of this chapter, hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.
- (f) *Commingled yard trash*: Yard trash mixed with other forms of solid waste.
- (g) *Composting*: Controlled biological decomposition of organic materials.
- (h) *Construction and demolition debris*: Discarded material generally considered not to be water-soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project. Commingling construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.
- (i) *Containerized waste*: Solid waste (other than solid waste requiring special handling) which is placed in cans, plastic garbage bags or bulk containers, or in bundles, in the case of bundled yard trash.
- (j) *County Solid Waste Management System*: The aggregate of those solid waste management facilities owned by or operated under contract with Miami-Dade County.
- (k) *County-wide solid waste service area*: The entire geographical area of Miami-Dade County, to which the department provides solid waste management services.
- (l) *Curbside*: The area between the sidewalk and the street edge, or, in areas without sidewalks, the area between the edge of the traveled portion of any public or private street and the property line, which area shall not exceed ten (10) feet.

- (m) *Customer*: A person who uses the solid waste or recycling collection services of a permitted hauler or the appropriate governmental agency.
- (n) *Delivery*: The bringing of solid waste or recyclable material to a solid waste management facility for the purpose of resource recovery, disposal, recycling, processing, transfer, or storage.
- (o) *Department*: The Miami-Dade County Department of Solid Waste Management.
- (p) *Director*: The Director of the Department of Solid Waste Management or person(s) designated by the Director.
- (q) *Disposal Facility Fee*: A fee imposed on private haulers operating in the Disposal Facility Fee Area, that collect, transport, or deliver solid waste for disposal, to cover Solid Waste Management System Costs, which fee does not apply to construction and demolition roll-off service, recycling service or compactor leasing service.
- (r) *Disposal Facility Fee Area*: the unincorporated area of Miami-Dade County, as it was geographically configured on February 16, 1996, within which the Disposal Facility Fee is imposed.
- (s) *Dumping*: Throwing, discarding, placing, depositing or burying any solid waste in an area or manner not permitted by the Code of Miami-Dade County.
- (t) *Facility*: Anything that is built or purchased to make an action or operation easier or to serve a special purpose.
- (u) *Garbage*: Any accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, edibles, and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.
- (v) *Garbage can*: A container made of galvanized metal, durable plastic or other similar material capable of containing garbage, with a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons and having the following characteristics: (1) at least two (2) handles upon the sides or a bail by which it may be lifted; (2) sufficient strength for workmen to empty conveniently; (3) a tight-fitting metal or plastic top with handle; (4) construction as to permit the free discharge of its contents; and (5) no inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents.
- (w) *Hazardous waste*: Solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may, when improperly transported, disposed of, stored, treated or otherwise managed, cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.
- (x) *Industrial waste*: Condemned food products, or solid waste resulting from the following activities or operations of the following facilities: (1) canneries; (2) slaughterhouses or meat packing plants; (3) brick, concrete block, roofing shingle or tile plants; and (4) land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways. Industrial waste shall also include any solid waste materials which, because of their volume or nature, do not lend themselves to collection and incineration commingled with ordinary garbage and trash, or which,

because of their nature or surrounding circumstances should be, for reasons of safety or health, disposed of more often than the County collection service schedule provided for in this chapter.

(y) *Landscaping business*: Any person operating a business in Miami-Dade County that is engaged in the business of creating or maintaining landscaped areas, including tree trimming and tree removal.

(z) *Litter*: Solid waste, in any amount, which is not containerized.

(aa) *Mixed paper*: Paper material free of any solid waste. Mixed paper shall include, without limitation, white ledger, colored ledger, discarded letters and envelopes, computer paper and office paper. For purposes of this chapter, the term "mixed paper" shall not include newspaper and cardboard. Commingling of mixed paper with newspaper, cardboard or solid waste shall cause it to be classified as other than mixed paper.

(bb) *Modified recycling program*: An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3.

(cc) *Multi-family residential establishment*: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

(dd) *Neighborhood trash and recycling center*: A neighborhood site, maintained by the Department, for use by residents of unincorporated Miami-Dade County, and municipalities served by Miami-Dade County for solid waste collection and landscaping businesses that have a current permit issued in accordance with Section 15-17.1 of this Code, to deposit household-generated bulky waste such as clean yard trash; white goods; construction and demolition debris; and other household items; and, where collection of such items is provided for, recyclable items. Bulky waste shall be presumed to be other than household-generated, and shall be rejected, if delivery to a neighborhood trash and recycling center is attempted by means other than the following: (1) hand; (2) automobile; (3) van; (4) pick-up truck.

(ee) *Noncombustible solid waste*: Solid waste that is not burnable at ordinary incinerator temperature which shall include, without limitation, metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material not usual to housekeeping or to operation of commercial establishments.

(ff) *Ordinary incinerator temperature*: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

(gg) *Permittee*: Any person who obtains a permit from the Department.

(hh) *Person*: Any natural person, individual, public or private corporation, firm, partnership, association, joint venture, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

(ii) *Pick-up truck*: A light truck having a gross vehicle weight (GVW) of not more than fifteen thousands (15,000) pounds, manufactured with a fixed open cargo bed, which bed does not exceed the width nor the height of the cab and is no longer than eight (8) feet.

- (jj) *Plastic garbage bag*: A polyethylene or other heavy-duty plastic bag which meets the National Sanitation Foundation standard for thickness of one and five-tenths (1.5) mils, has a capacity not to exceed thirty-two (32) gallons, and has a securing mechanism.
- (kk) *Portable container*: A dumpster, rollaway or other similar container designed for mechanized collection.
- (ll) *Private solid waste hauler (collector); Private hauler; Hauler*: Any person, entity, corporation, or partnership having a current permit issued in accordance with Section 15-17.1 of this Code that removes, collects or transports for hire any solid waste over the streets or public rights-of-way within any unincorporated area of the County.
- (mm) *Recyclable material*: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.
- (nn) *Recycling container*: Receptacle used for recyclable material.
- (oo) *Recycling program*: An operation which provides for the separate gathering, storage, collection and marketing of recyclable material.
- (pp) *Recycling services*: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.
- (qq) *Residential unit*: Any structure which is used, or constructed for use, as a single-family dwelling, duplex, cluster house, or townhouse, and which is located on a single lot, parcel or tract of land. For the purposes of this chapter, any condominium structure composed of privately owned, single-family housing units with separate means of ingress and egress and containing no more than two (2) stories shall be considered a residential unit. The term residential unit shall not include any multi-family residential establishment.
- (rr) *Resource recovery*: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.
- (ss) *Resource recovery and management facility*: Any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within state or federal jurisdiction.
- (tt) *Service unit*: An area located in any commercial establishment which provides four (4) sleeping rooms or a fraction thereof, where no cooking facilities are provided.
- (uu) *Solid waste*: Garbage, trash, litter, yard trash, hazardous waste, construction and demolition debris, industrial waste, or other discarded material, including solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- (vv) *Solid waste collection service area*: That portion or entirety of the county-wide solid waste service area to which the department provides curbside garbage and trash collection service.

(ww) *Solid waste disposal*: Disposition of solid waste by means of combustion, landfilling or other final method of discard.

(xx) *Solid waste management facility*: Any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste.

(yy) *Solid waste management master plan*: A document which shall set forth (a) goal(s), objectives and policies for solid waste management in Miami-Dade County, and shall include a comprehensive evaluation of solid waste management alternatives and recommended actions.

(zz) *Solid Waste Management System Costs*: Costs incurred to provide solid waste management services, including, without limitation, (a) costs for construction, reconstruction, or completion, of any facility, (b) the costs of acquisition or purchase of any facility, (c) the cost of labor, materials, machinery and equipment, (d) the cost of fuel, parts, supplies, maintenance, repairs and utilities, (e) the cost of computer services, data processing and communications, (f) the cost of all lands and interest therein, leases, property rights, easements and franchises of any nature whatsoever, (g) the cost of any indemnity or surety bonds and premiums for insurance, (h) the cost of salaries, workers compensation insurance or other employment benefits, (i) the cost of uniforms, training, travel and per diem, (j) amounts necessary to pay redemption premiums or other costs associated with the early retirement of obligations, (k) the creation of reserve or debt service funds, (l) costs and expenses related to the issuance of obligations, all financing charges and any expenses related to the issuance of obligations, all financing charges and any expenses related to any liquidity facility or credit facility, (m) the cost of construction plans and specifications, surveys and estimates of costs, (n) the cost of engineering, financial, legal and other professional services and, (o) all other costs and expenses properly attributable to providing solid waste management capacity by the County.

(aaa) *Solid waste requiring special handling*: Solid waste materials which, because of their quantity, concentration, composition or physical, chemical or infectious characteristics require transportation or disposal in a manner not typical of other solid waste.

(bbb) *Tire*: A continuous covering for the wheel of a motor vehicle usually made of rubber reinforced with cords of nylon, fiberglass or other material and filled with compressed air.

(ccc) *Trailer*: An accessory vehicle that is towed by the permitted vehicle. Trailer bed shall not be larger than 6 feet high, 6 feet wide by 10 feet long. Any trailer which does not exceed 6 cubic yards carrying capacity shall be charged for disposal at neighborhood trash and recycling centers at the same rate as pickup trucks and vans.

(ddd) *Trash*: Any accumulation of paper, packing material, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of commercial establishments.

(eee) *Unincorporated Miami-Dade County*: Any part of Miami-Dade County not lying within the boundaries of a duly incorporated village, town, or municipality.

(fff) *Used tire*: A tire that is suitable for vehicular use or is suitable for retreading and is intended by the holder thereof to be for vehicular use or retreading.

(ggg) *Van*: A fully enclosed vehicle which is manufactured and marketed by a major automobile manufacturer as a van and which has a gross vehicle weight of not more than 11,000 pounds.

(hhh) *Vegetative food waste*: Discarded edible fruit and vegetable matter which is capable of biological decomposition.

(iii) *Waste tire*: A tire from a motorized vehicle, that is no longer suitable for its originally intended purpose because of wear, damage or defect, or which is no longer intended by the holder thereof for vehicular use.

(jjj) *Waste tire generator*: Any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.

(kkk) *Waste tire transporter*: Any person transporting five (5) or more waste tires for hire.

(III) *Yard trash*: Vegetative matter resulting from landscaping and land clearing operations.

(Ord. No. 59-12, §§ 1.01--1.12, 6-9-59; Ord. No. 72-6, § 1, 2-1-72; Ord. No. 77-56, § 1, 7-19-77; Ord. No. 77-72, § 1, 9-20-77; Ord. No. 79-115, § 1, 12-18-79; Ord. No. 80-143, § 2, 12-16-80; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 83-109, § 3, 11-15-83; Ord. No. 85-8, § 3, 2-5-85; Ord. No. 89-5, § 1, 1-17-89; Ord. No. 90-11, § 1, 2-20-90; Ord. No. 91-95, § 1, 9-16-91; Ord. No. 91-123, § 2, 10-15-91; Ord. No. 92-20, § 2, 3-17-92; Ord. No. 92-28, § 1, 4-21-92; Ord. No. 92-43, § 1, 5-19-92; Ord. No. 92-155, § 1, 12-15-92; Ord. No. 94-198, § 1, 11-1-94; Ord. No. 95-174, § 9(Att. C, § 1), § 10(Att. D), 9-20-95; Ord. No. 99-91, § 1, 7-27-99; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 1, 7-22-03; Ord. No. 06-172, § 1, 11-28-06)

Sec. 15-2. Solid waste collection services, container usage, condition and location.

Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department. Each residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors. All solid waste to be removed by Miami-Dade County shall be placed at curbside in front of property in such a manner as not to obstruct pedestrian passage, except that collections will be made from alleyways where there is clear and safe access for passage of heavy equipment. An exception to this rule is a handicapped person, per determination of the Director.

It shall be unlawful for any person to set out for collection any waste containers which do not conform to the provisions of this chapter or which contain other defects likely to hamper the collection of or injure the person collecting the contents hereof are illegal. Such containers shall be promptly replaced by the owner or user of the container upon the receipt of written notice of said defect. At no time will the Department service any such illegal containers. Portable containers declared a public nuisance or to be unserviceable

with no identifying marks visible to enforcement officers shall be removed at the discretion of the Director.

It shall be unlawful for any person to place or cause, let, allow, permit or suffer the placement of any uncontainerized waste at curbside, right-of-way or street edge at any time except as otherwise provided in this chapter.

(Ord. No. 59-12, § 2.03, 6-9-59; Ord. No. 72-6, § 2, 2-1-72; Ord. No. 77-56, § 2, 7-19-77; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-95, § 2, 9-16-91; Ord. No. 92-43, § 2, 5-19-92; Ord. No. 99-91, § 2, 7-27-99)

Sec. 15-2.1. Scavenging of recyclable materials prohibited; theft of recycling containers.

(a) Intent. It is the intent of the Board of County Commissioners of Miami-Dade County, Florida to facilitate the establishment of recycling programs through protection of recyclable material stored for collection. To this end, this section is hereby created to encourage recycling activities throughout the County.

(b) Recyclable materials placed by any person in the prescribed manner in a designated collection area is the property of the generator's authorized collection agent, or, if a local government is administering or operating its own recycling program, of said local government. No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recyclable material which has been placed in the prescribed manner in a designated collection area, without first obtaining the written consent of the generator's authorized collection agent, or, if a local government is administering its own recycling program, of said local government.

(c) No person shall be permitted to collect or pick up, or cause to be collected or picked up, any recycling container placed at any property, without first obtaining the written consent of the owner of said recycling container or the owner's agent.

(d) Any and each collection in violation of subsections (b) or (c) above with the use of a motorized vehicle shall constitute a separate and distinct offense punishable as hereinafter provided.

(e) This section shall apply to the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by Miami-Dade County, and in the incorporated areas shall be enforced by the municipalities, unless the County and municipality agree, in writing, that the County will enforce this section within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this section.

(Ord. No. 90-11, § 2, 2-20-90; Ord. No. 91-123, § 3, 10-15-91)

Sec. 15-2.2. Recycling programs required for multi-family residential establishments.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans

(5) Plastics (PETE, NDPE-natural, HDPE colored)

(b) The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

(Ord. No. 91-123, § 4, 10-15-91)

Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (1) High grade office paper
- (2) Mixed paper
- (3) Corrugated cardboard
- (4) Glass (flint, emerald, amber)
- (5) Aluminum (cans, scrap)
- (6) Steel (cans, scrap)
- (7) Other metals/scrap production materials
- (8) Plastics (PETE, HDPE-natural, HDPE-colored)
- (9) Textiles
- (10) Wood

(b) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

(Ord. No. 91-123, § 5, 10-15-91)

Sec. 15-2.4. Modified recycling programs allowed.

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The Department shall consider the following factors in evaluating the proposed modified recycling program:

- (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
- (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.
- (3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.

(4) Whether the establishment is contracting with a permitted private hauler for collection services, which services provide for a post-collection separation of recyclable material, and which:

(i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and

(ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:

(1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.

(2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.

(3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

Sec. 15-2.5. Applicability.

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 91-123, § 7, 10-15-91)

Sec. 15-2.6. Mandatory separation of recyclable materials from solid waste stream.

(a) All occupants of every multi-family residential establishment and every residential unit are required, in accord with the collection program provided at that location, to separate, from all other solid waste collected or received by Miami-Dade County or any other collector, the following materials:

(1) Newspaper;

(2) Glass;

(3) Aluminum cans;

(4) Steel cans;

(5) Plastics.

(b) All occupants of every commercial establishment are required to separate, from all other solid waste collected or received by Miami-Dade County or any other collector, those three selected materials from the following list that are included in the program established at that location in compliance with Section 15-2.3:

(1) High grade office paper;

(2) Mixed paper;

- (3) Corrugated cardboard;
 - (4) Glass;
 - (5) Aluminum;
 - (6) Steel;
 - (7) Other metals/scrap production materials;
 - (8) Plastics;
 - (9) Textiles;
 - (10) Wood.
- (c) Occupants of multi-family residential establishments and commercial establishments may, as an alternative to the requirements of this section, separate recyclable materials in accordance with the modified recycling program established at their place of business or residence in compliance with Section 15-2.4. Modified recycling programs shall include those providing for:
- (1) A lesser number of recyclable materials than the required minimum.
 - (2) Substitution of recyclable materials not listed in Section 15-2.6.
 - (3) Post-collection separation of recyclable material for commercial establishments, and for those multi-family residential establishments for which separation of recyclable material on the premises is wholly, physically impractical, provided, however, that those modified recycling programs providing for post-collection separation of recyclable material for either commercial or multi-family residential establishments shall be allowed which have been established in compliance with Section 15-2.4 pursuant to contracts in existence as of July 21, 1992.

The county manager shall, within six (6) months of the effective date of this Ordinance Number 92-78, adopt and implement regulations establishing procedures requiring commercial and multi-family residential establishments and residential units to place these materials in specialized receptacles, or to handle them in any other manner which the county manager determines shall facilitate the recycling of such materials.

(Ord. No. 92-78, § 1, 7-21-92)

Sec. 15-2.7. Enforcement.

The provisions of Ordinance Number 92-78 shall be enforced by the county manager pursuant to the final promulgated regulations of this ordinance. Such regulations shall provide that, during the initial twelve-month period of intense education efforts (which shall begin on August 10, 1992, regardless of whether final regulations have been promulgated at that time), Miami-Dade County shall not prosecute individuals who unknowingly fail to separate from all other solid waste the materials required to be separated by this ordinance. The regulations shall provide that during the subsequent six-month period warning tickets shall be issued to all persons who fail to separate the required materials regardless of knowledge or intent. Prior to February 10, 1994, the county manager shall propose for the approval of the board of county commissioners regulations for enforcement of this ordinance to be implemented beginning on February 10, 1994. If such regulations propose an amendment to Chapter 8CC of the Code of Miami-Dade County, a public hearing before the board of county commissioners shall be required prior to implementation.

The provisions of Section 15-2.6 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the county and the city agree,

in writing; that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 92-78, § 2, 7-21-92)

Sec. 15-2.8. Severability.

If any provision of this ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable on its face or as applied, the remaining provisions shall remain in full force and effect.

(Ord. No. 92-78, § 3, 7-21-92)

Sec. 15-2.9. Relation to state and federal law.

All provisions of this ordinance are intended to be consistent with other federal, state and local requirements. To the extent that compliance with any of the requirements is a physical impossibility while concurrently complying with other federal or state requirements, the affected person may request a hearing before the board of county commissioners to demonstrate this. The county manager shall amend these requirements to the extent that such physical impossibility is shown. However, to the extent that requirements specified herein are more stringent than federal or state requirements, the person shall comply with both such requirements.

(Ord. No. 92-78, § 4, 7-21-92)

Sec. 15-2.9.1. Effective date.

This law shall take effect on August 10, 1992.

(Ord. No. 92-78, § 5, 7-21-92)

Sec. 15-3. Prima facie evidence of accumulation of solid waste.

The fact that any residential unit or any commercial or multi-family residential establishment located in any County solid waste collection service area is occupied shall be prima facie evidence that solid waste is being produced or accumulated upon such premises. However, temporary residential vacancy, regardless of duration, shall not authorize a refund or excuse the nonpayment of any solid waste fee. Solid waste fees shall be chargeable on new residential units immediately following the Department of Planning, Development and Regulation's final inspection thereof, or installation of permanent electric utility service, or whenever the first solid waste is picked up from such unit by the County, whichever shall occur first.

(Ord. No. 59-12, § 2.04, 6-9-59; Ord. No. 60-22, § 1, 7-26-60; Ord. No. 61-4, § 1, 1-31-61; Ord. No. 77-72, § 2, 9-20-77; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 3, 9-16-91; Ord. No. 95-215, § 1, 12-5-95)

Sec. 15-4. Plans for solid waste storage and collection for commercial and multi-family residential establishments to be approved before issuance of building permit.

Before building permits may be issued for construction of commercial or multi-family residential establishments, in areas not served by municipal collection agencies, plans for storage and collection of solid waste must be approved by the Director as to location,

accessibility, number or adequacy. No certificate of occupancy shall be issued for said premises until plans are approved by the Director for compliance with the terms of this section.

(Ord. No. 59-12, § 2.05, 6-9-59; Ord. No. 77-56, § 3, 7-19-77; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 4, 9-16-91)

Sec. 15-5. Duty to dispose of solid waste and prevent accumulations.

(a) *Prohibited acts.* It shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land in any unincorporated area of the County, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not containerized, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. All solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days no later than 7:00 a.m. and shall be removed on the day of collection. Yard trash or vegetative food waste which is being maintained for the purpose of composting may be kept uncontainerized on any lot, parcel or tract of land in the unincorporated area of the county, provided that the yard trash or vegetative food waste is not located on any right-of-way, alley or front yard area.

(b) *Enforcement.* Failure to comply with the provisions of this section shall constitute a violation of this chapter. Whenever it is evident that there is a violation of this section, the enforcement officer shall do one (1) or more of the following:

(1) Serve a notice of violation, in a form prescribed by the Director and approved by the Board of Miami-Dade County Commissioners, upon the owner, manager, occupant, resident, lessee or other responsible person by personal service, by certified mail or by posting a copy in a conspicuous place on the premises on which the violation exists. The notice shall specify a reasonable time, not to exceed fourteen (14) days, in which the violation shall be rectified or stopped, commensurate with the circumstances. In the event said notice is not complied with in the specified time, the enforcement officer shall proceed with the issuance of a uniform civil violation notice or direct removal as outlined below.

(2) Cause a uniform civil violation notice to be issued, in a form prescribed by the Director and approved by the Board of Miami-Dade County Commissioners, upon the owner, manager, occupant, resident, lessee or other responsible person as prescribed in Section 8CC-3, Code of Miami-Dade County, Florida, as may be amended from time to time. This uniform civil violation notice may be issued each day until the violation is rectified.

(3) Direct the Department of Solid Waste Management to remove the violation and charge the property owner for a special collection service in accordance with Section 15-14 of this chapter.

(c) *Prima facie evidence.* In any prosecution charging a violation of a provision of this chapter, proof that the solid waste offense described in the complaint occurred on the property, including adjoining right-of-way, identified by the address thereon, together with proof that the owner, manager, occupant, resident, lessee or other responsible person identified in the complaint was notified of the violation as prescribed in this chapter, shall constitute in evidence a rebuttable presumption that such person was responsible for the violation.

(Ord. No. 59-12, § 5.01, 6-9-59; Ord. No. 67-65, § 1, 9-6-67; Ord. No. 71-60, § 1, 7-6-71; Ord. No. 72-6, § 3, 2-1-72; Ord. No. 72-26, § 1, 5-16-72; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 2, 1-17-89; Ord. No. 91-95, § 5, 9-16-91; Ord. No. 92-43, § 3, 5-19-92; Ord. No. 99-91, § 3, 7-27-99)

Sec. 15-5.1. Declaration of legislative intent and determination of applicability.

(a) *Intent.* It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to conserve Class I landfill space and to enhance the County's ability to manage the delivery volume of and disposal of yard trash. To this end, this section is hereby created and shall be known as the "Yard Trash Management Ordinance."

(b) *Applicability.* This ordinance shall apply to the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by Miami-Dade County, and in the incorporated areas shall be enforced by the municipalities, unless the County and municipality agree, in writing, that the County will enforce this ordinance within the municipality. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance. (Ord. No. 91-95, § 6, 9-16-91; Ord. No. 02-166, § 24, 9-19-02)

Sec. 15-5.2. Prohibition of commingling of yard trash and other forms of solid waste; joint and several liability.

(a) *Commingling of yard trash and other forms of solid waste prohibited.* After December 31, 1991, the following acts shall be a violation of this section:

- (1) The placement of yard trash at the curbside or other designated garbage collection area, by any person, for collection and disposal as garbage.
- (2) The placement of commingled yard trash at the curbside or other designated trash collection area, by any person, for collection and disposal.
- (3) Delivery of commingled yard trash, by any person, to a County neighborhood trash and recycling center.
- (4) Delivery, by any person, of yard trash commingled with garbage to a solid waste management facility.
- (5) Failure, of any person, to deliver a surcharged load of commingled yard trash and garbage to a designated solid waste management facility after having been rerouted from another solid waste management facility.
- (6) Failure, by any person utilizing a neighborhood trash and recycling center for disposal of clean yard trash, to place clean yard trash in designated containers or areas for clean yard trash at neighborhood trash and recycling centers.
- (7) Delivery, by any person, of yard trash, clean yard trash, or commingled yard trash to a Class I lined landfill for disposal.

(b) *Joint and several liability.* When a violation of this section involves a vehicle which is registered to a permittee, with regard to said violation, the driver of the vehicle shall be jointly and severally liable with the owner(s) and operator(s) of the permittee to whom the vehicle is registered, as applicable.

(Ord. No. 91-95, § 7, 9-16-91; Ord. No. 92-20, § 3, 3-17-92)

Sec. 15-6. Littering, dumping and unauthorized delivery prohibited; dumping or burying

solid waste without proper authorization; unauthorized delivery of solid waste at neighborhood trash and recycling centers; declared public nuisance; presumption.

(a) *Intent.* It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to prevent, in whatever way possible, the abuse of the environment of Miami-Dade County through acts of any persons that are generally classified under the headings of "dumping" and "littering," which acts severely burden the taxpayers of Miami-Dade County and adversely affect the attractiveness, public health, safety and welfare of the community for its residents and visitors. To this end, this section is hereby created and shall be known as the "Dade Clean County Ordinance."

(b) *Prohibited act(s).* The following shall be unlawful:

(1) It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter on any public or private highway, road, street, alley, bridge, drain, gutter, lane, sidewalk, vacant lot, or thoroughfare, except in areas lawfully provided therefor.

(2) It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter in or on any freshwater lakes, canals, rivers or streams or tidal or coastal waters of Miami-Dade County.

(3) It shall be unlawful for any person to cause, let, allow, permit or suffer the dumping of litter on any public or private property not listed in Subsection (1) above, unless prior written consent of the owner has been given, and such disposal has been authorized by permit from all governmental authorities having jurisdiction, and provided that said litter will not cause a public nuisance or be in violation of any other State or local laws, rules or regulations.

(4) Causing, maintaining, permitting or allowing the accumulation of any litter on any construction or building site before, during or after completion of said construction or building. It shall be the duty of the owner, or his agent, of the property in question to make adequate provision for the disposing of litter and to have on the construction or building site adequate facilities for the disposing of said litter and solid waste and to make appropriate arrangements for the collection thereof.

(5) Disposing of the carcass of any dead animal, domestic or otherwise, by the throwing, discarding, placing or depositing of said carcass in or on any of the locations noted in Subsections (1) through (3) of this section.

(6) Delivery, by any person, of garbage at neighborhood trash and recycling centers.

(7) Delivery, by any person, of solid waste at any neighborhood trash and recycling center that is not generated from a residential unit located in unincorporated Miami-Dade County or from a residential unit located in a municipality which is served by the Department for solid waste collection. Bulky waste shall be presumed to be other than household-generated if it is delivered by any person that is other than a resident of the unincorporated service area or a resident of a municipality served by the Department for solid waste collection or a landscaping business having a current permit in accordance with Section 15-17.1 of this Code.

(8) Obstructing the use of a neighborhood trash and recycling center.

(9) Vandalizing a neighborhood trash and recycling center.

(10) Delivery by a permitted landscaping business of any materials other than clean yard trash at a neighborhood trash and recycling center.

(11) Salvaging or scavenging at any Department of Solid Waste Management facility by any person is a violation of this Chapter, and may be enforced as described in Section 15-32 herein.

(12) It shall be unlawful for any permitted landscaping business to cause, let, allow, permit or suffer the delivery of clean yard trash to any neighborhood trash and recycling center or County-owned disposal facility in a vehicle that does not have a permit.

(13) It shall be unlawful for any permitted landscaping business to cause, let, allow, permit or suffer the modification of a permitted vehicle to increase the capacity of the vehicle after the vehicle has been permitted.

(14) It shall be unlawful for any permitted landscaper business to cause, let, allow, permit or suffer the delivery of clean yard trash with a trailer and a van or pick up truck simultaneously.

(c) *Declared public nuisance.* In addition to, and not in limitation upon, any enforcement action for violation of this section, it is the intent of the Board of County Commissioners to declare the dumping of litter in Miami-Dade County to be a public nuisance, and to subject violators of this section to the provisions of Chapter 19 of the Code of Miami-Dade County calling for removal of such a public nuisance through notice, hearing and a lien enforcement procedure if the County so chooses to remedy the prohibited condition. To that end, the provisions of Chapter 19 of the Code of Miami-Dade County are hereby incorporated by reference and made a part of this section. Any action taken pursuant to this section utilizing the provisions of Chapter 19 shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.

(d) *Applicability of State laws.* In addition to, and not in limitation of the provisions of this section, the provisions of Section 403.413, Florida Statutes, also known as the "Florida Litter Law," as amended from time to time, are hereby added to this Code of Ordinances and incorporated by reference herein. The Board of County Commissioners would also respectfully suggest to the judges of those courts trying persons for violations of the "Florida Litter Law" that the provisions of Chapter 948, Florida Statutes, "Probation," be utilized liberally in order to require such persons to expend appropriate amounts to time and effort gathering up litter at places within the County designated by the court.

(e) *Presumption where motor vehicle is source of litter.* In the prosecution charging a violation of Section 15-6(b) of the Code by the dumping of litter in any manner or amount whatsoever in or on any public highway, road, street, alley, thoroughfare or any other public lands or waters, by, through or from a motor vehicle, proof that the particular vehicle described in the complaint was the source of the litter so discarded, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such a vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who committed the violation of the ordinance above-noted. Said presumption may be rebutted by substantial evidence on the part of said owner.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-95, § 8, 9-16-91; Ord. No. 92-20, § 4, 3-17-92; Ord. No. 92-155, § 2, 12-15-92; Ord. No. 99-91, § 4, 7-27-99; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 2, 7-22-03)

Sec. 15-7. Requirement to secure transported solid waste or recyclable material.

It shall be unlawful for any person to haul, convey, or cause to be hauled or conveyed, any solid waste or recyclable material upon or along public streets, roads or alleys except when the material transported is adequately secured in such manner as to prevent the material from falling or being blown from the transporting vehicles.

(Ord. No. 59-12, § 5.03, 6-9-59; Ord. No. 60-22, § 2, 7-26-60; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 9, 9-16-91)

Sec. 15-8. Placing dangerous materials in garbage cans, plastic garbage bags, portable containers or recycling containers prohibited.

It shall be a violation of this chapter to place or cause to be placed in any garbage can, plastic bag, portable container, or recycling container for collection, any acid, explosive material, inflammable liquids, hazardous, infectious or any other dangerous or highly corrosive material of any kind.

(Ord. No. 59-12, § 5.04, 6-9-59; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 10, 9-16-91)

Sec. 15-9. Geographical service areas adjoining County solid waste management facilities.

Whenever the County plans, constructs, purchases, leases, or operates a solid waste management facility, the Board of County Commissioners may by resolution, designate one or more areas to be serviced by such facility. Within three (3) months from the designation of such geographical service area or upon completion of the construction of such facility, or at such time as the County Commission shall designate, it shall be unlawful to dispose of solid waste within such area except by or through the designated solid waste management facility. The Board of County Commissioners may enlarge or contract the said contiguous geographical service area depending upon the volumes of solid waste generated within the area and the capacity of the solid waste management facility.

Where the Board of County Commissioners prohibits the disposal of solid waste, within a geographical service area, except through a designated solid waste management facility, the Board may prohibit any person, firm, corporation, municipality or political subdivision from transporting solid waste from the geographical service area to any other portion of the county when, in the board's opinion, such transport will overload the solid waste management facilities become a danger to the public health, welfare and safety of the citizens of the other portion of the County or will in any manner work to detriment of the public health, welfare and safety of the citizens of Miami-Dade County.

Nothing herein shall, however, prohibit the voluntary source separation of recyclable solid waste materials by the generators of these waste materials or the collection, transportation or processing of such materials within Miami-Dade County.

(Ord. No. 67-27, § 1, 4-25-67; Ord. No. 79-115, § 2, 12-18-79; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 11, 9-16-91; Ord. No. 92-155, § 3, 12-15-92)

Sec. 15-10. Reserved.

Editor's note: Ord. No. 82-105, § 1, adopted Nov. 2, 1982, repealed § 15-10, concerning neighborhood bulky waste transfer stations, as derived from Ord. No. 72-6, § 4, adopted Feb. 1, 1972, and Ord. No. 81-108, § 1, adopted Sept. 15, 1981.

Sec. 15-11. Reserved.

Sec. 15-12. Emergency powers of the Director.

The Director, with the concurrence of the County Manager, shall have the authority to suspend, modify or expand services provided by the Department, as enumerated herein, in such emergency circumstances as national disasters, civil disorders or other circumstances as directed by the County Manager.

(Ord. No. 81-108, § 1, 9-15-81)

Sec. 15-13. County collection of solid waste.

The Director shall have the power to establish the type of solid waste collection service to be rendered to all areas where County solid waste collection service is provided, and to promulgate rules and regulations not inconsistent herewith. The frequency and quantity of solid waste collection service to be rendered shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. The Director, with the concurrence of the County Manager, shall have the authority to expand the limits of those service areas served by the Department. All residential waste collection within said areas shall, at the discretion of the Director, be serviced only by the Department. The Department reserves the right to collect solid waste from any Miami-Dade County governmental facility, regardless of location.

The Department shall continue to collect and dispose of all residential waste from any part of the unincorporated municipal service area that is incorporated subsequent to the effective date of this ordinance.

The Department shall either continue to collect and dispose of all residential waste from any part of the unincorporated municipal service area that is annexed to existing municipalities subsequent to the effective date of this ordinance, or delegate to the governing body of the existing municipality the authority to collect the residential waste through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution R-1198-95.

The Director and his designated representatives are assigned the responsibility for enforcement of solid waste collection procedures enumerated herein.

(Ord. No. 59-12, § 2.01, 6-9-59; Ord. No. 72-6, § 5, 2-1-72; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 92-43, § 4, 5-19-92; Ord. No. 96-30, § 1, 2-6-96)

Sec. 15-14. Special collections, fees, extra charges.

Any special collections or waste services not covered by this chapter which are performed by the department shall be performed pursuant to such conditions as may be specified by the Director. The department shall charge and collect fees for such special collections or waste services as approved by the Board of County Commissioners.

Whenever a violation of this chapter involving unlawful placement or disposal of materials occurs, and the department undertakes removal and disposal of such materials, the department shall charge and collect fees for such services at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

Refusal or delay in rendering payment for any special collection performed as outlined in this chapter shall constitute the basis for adding such unpaid charges to regular waste fee assessment accruing against the property where such special collections are made, and are hereby imposed as special assessment liens against the real property aforesaid, and until fully paid and discharged, or barred by law, shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved, and when delinquent, shall bear interest and may be enforced and collected pursuant to the provisions of Section 15-28(a) of this chapter when applicable.

(Ord. No. 59-12, § 3.08, 6-9-59; Ord. No. 72-6, § 6, 2-1-72; Ord. No. 75-112, § 1, 12-2-75; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 3, 1-17-89; Ord. No. 92-43, § 5, 5-19-92)

Sec. 15-15. Private disposal of waste.

Any person may be issued a permit by the Health Department to dispose of garbage or solid waste materials accumulated upon his own premises by burial, provided that such method meets all specifications of the Director of the Health Department and evidence is presented of compliance with zoning regulations, but such permit and the disposal thereby authorized shall not relieve the owner or occupant of the premises from payment of regular waste fees. No fee shall be charged for such permit and the same may be renewed each year provided all specifications of the Health Department are observed.

(Ord. No. 59-12, § 4.01, 6-9-59; Ord. No. 81-108, § 1, 9-15-81)

Sec. 15-16. Responsibility for removal of industrial waste, hazardous waste and noncombustible solid waste, collection and disposal of bulky waste.

Industrial waste, hazardous waste, and noncombustible solid waste shall be disposed of in the manner and at such locations as are consistent with all federal, state and local laws, rules, regulations, and ordinances. Removal of industrial waste, hazardous waste, and noncombustible solid waste shall be the responsibility of the owner, occupant, operator or contractor creating or causing the accumulation of such material. The Department shall not be responsible for collecting or hauling discarded building material, construction and demolition debris, dirt or rock, nor shall it be responsible for collecting or hauling trees, bushes or other vegetation cut on private property before a certificate of occupancy is issued.

Bulky waste shall not be permitted at curbside until advance arrangements have been made with the Department for its removal.

(Ord. No. 59-12, § 2.02, 6-9-59; Ord. No. 71-46, § 1, 5-18-71; Ord. No. 72-6, § 7, 2-1-72; Ord. No. 72-26, § 2, 5-16-72; Ord. No. 75-112, § 2, 12-2-75; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 83-97, § 1, 10-18-83; Ord. No. 89-5, § 4, 1-17-89; Ord. No. 90-16, § 11, 3-6-90; Ord. No. 89-89, § 7, 9-19-89; Ord. No. 91-95, § 12, 9-16-91; Ord. No. 92-43, § 6, 5-19-92; Ord. No. 99-91, § 5, 7-27-99)

Sec. 15-17. Permits required by the Department of Solid Waste Management.

(1) It shall be unlawful for any person to remove, collect or transport for hire or salvage any solid waste or recyclable material over the streets or public right-of-way within any unincorporated area of the County, any unincorporated area that is incorporated subsequent to the effective date of this ordinance, and any unincorporated area that is annexed to an existing municipality subsequent to the effective date of this ordinance, without first applying for and receiving the appropriate solid waste permit from the Department to carry on such a business.

(2) It shall be unlawful for any person to remove, collect or transport within Miami-Dade County five (5) or more waste tires for hire without a Waste Tire Transporter Permit from the Department of Solid Waste Management.

(3) It shall be unlawful for any person to sell, trade or otherwise transfer new, used, or waste tires within Miami-Dade County without a Waste Tire Generator Permit from the Department of Solid Waste Management.

Permits issued by the Department are as follows:

(a) *General:* Applies to any person engaged in the business of solid waste collection, removal, or transport for hire or salvage, or any person engaged in the business of recyclable materials collection, removal or transport for hire or salvage.

(b) *Landscaping business:* Applies to landscaping businesses as a requirement to enable them to use neighborhood trash and recycling centers, and (a) use County-owned solid waste management facility(ies) designated by the Director, for disposal of clean yard trash only.

(c) *Waste tire generator:* Applies to any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without consideration.

(d) *Waste tire transporter:* Applies to any person transporting five (5) or more waste tires for hire.

Permits required by this section shall be in addition to any other permits, registration or occupational license which may be required by Federal, State or Local law.

(4) Exemptions. The provisions of this section shall not apply to:

(a) Commercial or multi-family residential establishments for the sole purpose of hauling the trash or recyclable material of its own tenants or occupants.

(b) Persons who use entity owned or leased vehicles to transport tires for the purpose of retreading between entity owned or franchised retail tire outlets and retread facilities owned or franchised by the same entity.

(c) The provisions of this section shall not apply to organized events to clean up improperly disposed waste tires or other organized environmental cleanup activities.

(Ord. No. 59-12, § 4.02, 6-9-59; Ord. No. 60-22, § 3, 7-26-60; Ord. No. 72-26, § 3, 5-16-72; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-95, § 13, 9-16-91; Ord. No. 92-20, § 5, 3-17-92; Ord. No. 94-198, § 2, 11-1-94; Ord. No. 95-174, § 10(Att. D), 9-20-95; Ord. No. 96-30, § 2, 2-6-96; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 3, 7-22-03)

Sec. 15-17.1. Application for permit.

Applications for a permit shall be made to the Department upon such form and in such manner as shall be prescribed by the Director, said form to elicit the following information and to be accompanied by supporting documents and such other information as may be required by the Department from time to time:

(a) *Name of applicant.* If the applicant is a partnership or corporation, the name(s) and business address(es) of the principal officers and stockholders and other persons having any financial or controlling interest in the partnership or corporation. Provided, however, that if the corporation is a publicly owned corporation having more than twenty-five (25) shareholders, then only the names and business addresses of the local managing officers shall be required.

(b) *Character of applicant.* The applicant for a permit under this section, if an individual, or in the case of a firm, corporation, partnership, association or organization, any person having any financial, controlling or managerial interest therein, shall be of good moral character. In making such determination the following information, which shall be submitted by applicant, shall be considered:

(1) *Penal history.* If the applicant is an individual, a record of all convictions and the reasons therefor shall be provided by the applicant. If the applicant is other than an individual, then the record of all convictions and the reason therefor of the principal controlling officers of applicant shall be provided. Provided, however, that in the case of a publicly held corporation having twenty-five (25) or more shareholders, then only the aforementioned information applicable to its local managing officers shall be required.

(2) *Fingerprints.* The fingerprints of the persons mentioned in this subsection, a full set of which, for each of such persons shall accompany the application. Such service may be obtained from the Metro-Dade Police Department.

(3) *Business history.* Whether such applicant has operated a solid waste collection-removal business, waste tire transporting business or tire business in this or another state under a franchise, permit or license and if so, where and whether such franchise, permit or license has ever been revoked or suspended and the reasons therefor.

(4) *Existence of business entity.* If applicant is a corporation, applicant shall submit proof of incorporation in good standing in the state of incorporation and, if a foreign corporation, applicant shall provide information certifying that applicant is qualified to do business in the State of Florida. If applicant is other than a corporation and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant.

(c) *Equipment and method of operation.* The applicant for a permit shall possess equipment capable of providing safe and efficient service. In making such a determination and approving the method of operation for each applicant, the Department shall require the following information:

(1) The type, number and complete description of all equipment to be used by the applicant for providing service pursuant to this chapter.

(2) A statement that the applicant will use County-owned facilities for disposing of all solid waste which the applicant collects and removes, or those facilities not owned by the County which have been approved by the State Department of Environmental Regulation.

(3) The names of customers and the addresses of each location served. Permittees applying for permit renewals shall not be required to submit the information specified in

Section 15-17.1(c)(3) above, but shall instead be required to submit the information specified in Section 15-17.9.

(d) Landscaping businesses applying for permits to use neighborhood trash and recycling centers and/or County-owned solid waste management facility(ies) for disposal of clean yard trash shall be exempt from (c)(3) above, and shall instead supply the information specified in Section 15-17.9(d).

(e) Persons applying for a Waste Tire Generator or Waste Tire Transporter permit shall be exempt from (b)(1)--(3) and (c)(1), (2) above and shall instead supply the information specified in Section 15-17.9.

(f) *Insurance requirements.* The applicant for a permit shall maintain insurance as specified herein and shall furnish a public liability policy to the Department and also file with the Department a certificate of insurance for all policies written in the applicant's name. This certificate shall provide that the policies contain an endorsement requiring that the Department shall be furnished with ten (10) days' written notice by registered mail prior to cancellation or material changes in the policies.

(1) *Comprehensive general liability.* The applicant shall carry in his own name a policy covering his operations in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury and fifty thousand dollars (\$50,000.00) per occurrence for property damage liability. Landscaping businesses applying to use (a) neighborhood trash and recycling center(s) and/or County-owned solid waste management facilities for the disposal of clean yard trash shall not, as a condition of the permit to use a neighborhood trash and recycling center(s) and/or County-owned solid waste management facilities be required to maintain comprehensive general liability insurance. Persons applying for a Waste Tire Generator permit or Waste Tire Transporter permit shall not, as a condition of the permit be required to maintain comprehensive general liability insurance.

(2) *Vehicle liability insurance.* Applicants for a General permit shall maintain vehicle liability insurance covering each vehicle utilized in the business of solid waste collection and disposal in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence. All other permittees are required to maintain vehicle liability insurance covering each vehicle in an amount not less than the minimum required by Florida law for the type of vehicle insured.

(3) *Liability of the County and the Department.* The above insurance requirements shall not be construed as imposing upon the County or the Department or any official or employee thereof any liability or responsibility for injury to any person or property by the insured, his agents or employees.

(g) *Application fee.* The department shall charge and collect permit application fees at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. Separate fees shall be established for permits according to the type of permit issued, as follows:

- (1) General.
- (2) Small owner-operator landscaping business.
- (3) Waste Tire Generator.
- (4) Waste Tire Transporter.

The completed application shall be submitted to the Department. Upon receipt of a completed application, the Director or his designated representative shall review said

application and, if satisfactory in all respects, and after payment of required fees pursuant to Sections 15-17.4 and 15-17.6 shall issue the required permit.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 5, 1-17-89; Ord. No. 89-73, § 1, 7-11-89; Ord. No. 91-123, § 8, 10-15-91; Ord. No. 92-3, § 1, 1-21-92; Ord. No. 92-20, § 6, 3-17-92; Ord. No. 92-43, § 7, 5-19-92; Ord. No. 94-198, § 3, 11-1-94; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 4, 7-22-03)

Sec. 15-17.2. Denial of permit.

Should the Director deny an application for a permit, he shall notify the applicant of such denial by certified mail not later than fourteen (14) days after taking such action. The notice of denial shall contain a statement of the reasons why the application was denied.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82)

Sec. 15-17.3. Appeal from Departmental denial of permit; appeal from revocation of permit under Section 15-17.14.

The denial or revocation of a permit by the Department may be appealed to the County Manager or his designee. The notice of appeal shall be filed in writing with the Director no later than fourteen (14) days after the receipt of the certified letter advising applicant of the denial or revocation.

The Department shall fix the date and time for hearing the appeal. Said hearing shall be held not less than fourteen (14) nor more than sixty (60) days after receipt of the notice of appeal. The County Manager or his designee shall either affirm the decision of the Department or direct the Department to issue or reinstate the permit.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82)

Sec. 15-17.4. Vehicle registration fees.

The department shall charge and collect from each permittee, in addition to the initial application fee, an annual vehicle registration fee at the rate(s) established by separate administrative order, which shall not become effective until approved by the Board of Miami-Dade County Commissioners. The amount of such fee shall apply to each vehicle shown on the list required to be submitted as part of the application. This fee shall apply to renewal of permits as well. Failure by any permittee to pay this registration fee shall be considered a violation of this Chapter and may be enforced as described in Section 15-32 herein.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 6, 1-17-89; Ord. No. 91-123, § 9, 10-15-91; Ord. No. 92-43, § 8, 5-19-92; Ord. No. 99-91, § 6, 7-27-99)

Sec. 15-17.5. Term of permit.

Each and every permit awarded pursuant to the provisions of Chapter 15 of the Code of Miami-Dade County shall be in existence for a period of one (1) year from the date of issuance.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82)

Sec. 15-17.6. Renewal of permit.

A permit may be renewed from year to year by the Department. Any such renewal shall be subject to the same terms and conditions applicable to the issuance of the original permit. The Department shall charge and collect renewal permit fees at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 7, 1-17-89; Ord. No. 91-123, § 10, 10-15-91; Ord. No. 92-43, § 9, 5-19-92)

Sec. 15-17.7. Transfer of permit prohibited.

It shall be unlawful for any person to assign or transfer any permit issued under the provisions of this Chapter. In the event of any change in ownership and/or name of the corporation or partnership, formal notification shall be given the Department within thirty (30) days thereof.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 99-91, § 7, 7-27-99)

Sec. 15-17.8. Identification of equipment.

All equipment delivering waste to a Miami-Dade County solid waste management facility must be identified in the manner described in this section: All permit decals for any vehicle permitted under this Chapter shall be permanently affixed to the passenger side windshield of the vehicle. Failure to permanently affix said decal shall be unlawful and may be enforced as prescribed in Section 15-32 of this Chapter. All markings must be in letters and numerals at least two (2) inches in height.

(a) General hauler permittees: Equipment must be conspicuously and permanently marked-on both sides of the automotive unit with the name of the hauler, Miami-Dade County permit number, vehicle number, tare weight and cubic yard capacity. Identical information must also be marked on all trailer and container units.

(b) Landscaping businesses having a valid permit issued by the Department to dispose at other than neighborhood trash and recycling centers: Equipment must be conspicuously and permanently marked-on both sides of the automotive unit with the name of the company and vehicle number.

(c) Landscaping businesses having a valid permit issued by the Department to dispose at the neighborhood trash and recycling centers: Equipment must be conspicuously and permanently marked-on both sides of the automotive unit with the name of the company.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 92-20, § 7, 3-17-92; Ord. No. 99-91, § 8, 7-27-99; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 5, 7-22-03)

Sec. 15-17.9. Information required of permittees.

On an annual renewal basis, each permittee shall supply the following information on a form and in the manner prescribed by the Director:

(a) A listing, which is organized as prescribed by the Director, as of the reporting date, of the names and addresses of customers, and the addresses of each location served. For each customer on the list, the private hauler will indicate the following: (i) whether the customer served is (i) a multi-family residential establishment, (ii) commercial establishment, (iii) subject to the Disposal Facility Fee pursuant to Section 15-25.2 of this

Chapter; and (2) whether the service provided is solid waste collection, recycling, or a combination of both; and, if the service is recycling, (3) a listing of those materials being recycled at each customer location; and (4) the name of a customer contact person who can provide additional information regarding the recycling program.

(b) A summary of the number of tons of solid waste collected quarterly based on scheduled service, as of the reporting date.

(c) A summary of the number of tons of recyclable material collected and marketed quarterly, on a schedule and format prescribed by the Department.

(d) businesses that receive permits to use neighborhood trash and recycling centers and/or a County-owned solid waste management facility(ies) for disposal of clean yard trash shall be exempt from (a) and (b) above and shall instead supply the following information in a manner prescribed by the Director:

(1) Miami-Dade County Occupational license as proof of a business location in Miami-Dade County.

(e) Waste tire generators shall supply the following information in lieu of the information required by sections (a), (b), (c) and (d) herein, on a form and in a manner prescribed by the director:

(1) An accounting of the number of new, used and recapped tires received from suppliers.

(2) The number of new, used and recapped tires transferred to others.

(3) The number of waste tires removed from the premises, and corresponding removal dates.

(4) The name and permit number of the waste tire transporter(s) employed to remove waste tires.

(f) Waste tire transporter shall supply the following information in lieu of the information required by sections (a), (b), (c) and (d) herein, on a form and in a manner prescribed by the Director;

(1) An accounting of the number of waste tires collected from each waste tire generator and corresponding collection date(s).

(2) The name and permit number of the waste tire generator from which waste tires were collected.

(3) Copies of the scalehouse receipts for waste tires delivered to a waste tire processing facility(ies). Receipts must show the volume in cubic yards or weight in tons of waste tires delivered, the delivery date and location in or out of Miami-Dade County.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 91-123, § 11, 10-15-91; Ord. No. 92-3, § 2, 1-21-92; Ord. No. 92-20, § 8, 3-17-92; Ord. No. 94-198, § 4, 11-1-94; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 6, 7-22-03; Ord. No. 06-172, § 2, 11-28-06)

Sec. 15-17.10. Reserved.

Editor's note: Ord. No. 92-3, § 3, adopted Jan. 21, 1992, repealed former § 15-17.10, relative to changes in rates, which derived from Ord. No. 81-108, § 1, enacted Sept. 15, 1981 and Ord. No. 82-105, § 1, adopted Nov. 2, 1982.

Sec. 15-17.11. Disposal required at County-approved facilities.

Any and all solid waste material collected by a permittee within the County shall be disposed of only at the solid waste disposal facilities provided, operated and designated

or approved by the Department of Solid Waste Management and at no other location or facility except those which have heretofore been approved by the Department of Environmental Regulation.

All permittees shall comply with the provisions of Section 15-9 of the Code of Miami-Dade County and implementing resolutions of the Board of County Commissioners. The County shall use the reports required in this chapter and other information available to determine compliance of permit holders and, if necessary, the allocation of available capacity at the various County solid waste management facilities.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 8, 1-17-89; Ord. No. 91-95, § 14, 9-16-91)

Sec. 15-17.12. Solid waste disposal charges for private collectors.

Permitted private collectors operating within the County, who are required to dispose of solid waste material at County disposal sites, shall be charged as provided in this chapter. The Board of County Commissioners shall establish by resolution a credit policy under which the Director shall extend fee charging privileges to haulers of solid waste that use solid waste management facilities.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 9, 1-17-89; Ord. No. 91-95, § 15, 9-16-91)

Sec. 15-17.13. Acceptability of material for disposal.

Notwithstanding any other provisions of this chapter, the County reserves the right to refuse to accept at a solid waste management facility any solid waste which has been designated by federal, State or County law, statute, ordinance, rule or regulation as a hazardous waste or as a solid waste material requiring special handling or disposal. The County also reserves the right to refuse to accept any solid waste material which, in the judgment of the Director, would prove injurious to County personnel or equipment.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 10, 1-17-89; Ord. No. 91-95, § 16, 9-16-91)

Sec. 15-17.14. Revocation of permit.

(a) The following shall constitute cause for revocation of a solid waste permit by the Director: (1) the violation of any of the provisions of the Code of Miami-Dade County which violation endangers the public health, safety or welfare; or (2) the violation of any of terms or conditions of the permit; or (3) the failure to promptly pay the fees or charges provided for in this chapter.

(b) The Director may revoke a permit for a violation or violations as aforementioned and may immediately declare such permit null and void, and upon such declaration, the permittee shall immediately cease all operations and shall be considered to have forfeited said permit and the rights acquired thereunder. Upon a determination by the Director that a permit shall be revoked, the affected person shall be provided with written notice of such revocation and the reasons therefor. Upon receipt of such notice, the affected person may appeal said revocation to the County Manager or his designee and the appeal and hearing thereon shall be conducted in accordance with the procedures set forth in Section 15-17.3.

(Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 86-9, § 1, 2-4-86; Ord. No. 91-95, § 17, 9-16-91)

Sec. 15-17.15. Reserved.

Editor's note: Ord. No. 91-95, § 18, adopted Sept. 16, 1991, repealed former § 15-17.15, relative to the punishment for violation of §§ 15-17 through 15-17.14, which derived from Ord. No. 81-108, § 1, adopted Sept. 15, 1981; and Ord. No. 82-105, § 1, adopted Nov. 2, 1982.

Sec. 15-17.16. Holding period for waste tires.

It shall be unlawful for any person to store waste tires or used tires at any location for a period in excess of fifteen (15) consecutive days. All tires stored outside must be covered so as to prevent accumulation of water. This provision does not apply to waste or used tires stored in an enclosed structure or which are mounted and inflated.

(Ord. No. 94-198, § 5, 11-1-94)

Sec. 15-17.17. Maintenance and inspection of records.

Each waste tire generator and waste tire transporter shall maintain records as required by this section. Copies of all records that are required to be submitted under this section and all supporting documentation, including invoices or receipts, shall be subject to inspection by the Director of Solid Waste Management or his designee at any time and shall be retained for a period of one (1) year.

(Ord. No. 94-198, § 6, 11-1-94)

Sec. 15-17.18. Use of unpermitted waste tire transporter.

It shall be unlawful for any person to use, employ or hire a waste tire transporter who fails to have and display the waste tire transporter permit required under this section.

(Ord. No. 94-198, § 7, 11-1-94)

Sec. 15-18. Resource recovery and management facility permitting.

All resource recovery and management facilities in Miami-Dade County shall be required to obtain an operating permit, pursuant to Section 24-35.1 of the Code of Miami-Dade County.

(a) The director of the Department of Solid Waste Management or his designee shall review all resource recovery and management operation permit applications, and shall make a recommendation to the director of the Department of Environmental Resources Management regarding such application, subject to conditions. The Department of Solid Waste Management shall charge and collect a fee for resource recovery and management facility operating permit application review. This charge shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. In reviewing the application, the director of the Department of Solid Waste Management or his designee shall consider the following:

(1) Whether operation of the facility as proposed will have an adverse impact on the county's ability to meet its financial obligations for existing county solid waste management facilities.

(2) Whether operation of the facility as proposed will have an adverse impact on the County's ability to meet operating requirements for any solid waste management facility operated under contract with the County.

(3) Whether operation of the facility as proposed will have an adverse impact on the County's ability to comply with all State and Federal regulations governing solid waste management activities.

The director of the department shall, concurrently with the effective date of this ordinance, implement regulations establishing procedures for evaluating the impacts set forth above.

(b) The permittee shall charge and collect (a) fee(s) for specified county-wide solid waste management programs at the rate(s) established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. Funds collected shall be submitted to the Department of Solid Waste Management by the 15th day of the month following the month in which collection of the fee(s) occurred.

(Ord. No. 92-155, § 4, 12-15-92)

Secs. 15-19--15-22. Reserved.

Sec. 15-23. Solid waste fees; joint and several liability.

In any area in which solid waste collection services are provided by the Department, it shall be the responsibility of the owner(s) of any lot, tract or parcel of land upon which a residential unit, commercial establishment or multi-family residential establishment is located, to pay or cause to be paid the solid waste fee(s) due for each such unit or establishment, as applicable, as provided for in Section 15-24 hereof. The failure of the owner(s) to pay such fee(s) shall constitute a violation of this chapter, for which, in the case of multiple owners, there shall be joint and several liability. In the case of multi-family residential establishments which are condominiums or cooperative apartments, the condominium or cooperative association, rather than the individual unit owners, shall be jointly and severally liable pursuant to this paragraph. Solid waste collection may be discontinued from premises for which the solid waste fee(s) has/have not been paid, and the owners or occupants thereof may be subject to the provisions of Section 15-5 hereof. (Ord. No. 59-12, § 3.01, 6-9-59; Ord. No. 60-22, § 4, 7-26-60; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 19, 9-16-91)

Sec. 15-24. Schedule of solid waste collection and disposal fees, records to be kept.

Effective October 1, 1981, in any area in which solid waste collection services are provided by the Department, it shall be the responsibility of each person who is the owner of a lot, tract or parcel of land upon which a residential unit or multi-family residential establishment is located, to pay for residential solid waste collection services, on the tax bill, in accordance with the provisions of Chapter 197 of the Florida Statutes, as amended.

(a) Residential units. The department shall charge and collect fees for solid waste services at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. In the event any single family residential unit is found to in fact have been illegally converted into multi-family residential units, the Department of Solid Waste Management of Miami-Dade County, upon notification and to the extent permitted by state law, will assess additional fees for

the additional services provided by the Department on said property. This fee will be billed in accordance with the fee schedule for single family residential units approved by the Board of County Commissioners and will be assessed as to each of the additional units discovered for up to three (3) preceding years.

(b) Commercial or multi-family residential establishments. The department shall charge and collect fees based on the type, quantity and frequency of service, as approved by the Board of County Commissioners.

(c) Residential and multi-family residential units receiving Miami-Dade County recycling services that are not receiving garbage and trash collection from the County shall pay for weekly curbside recycling service according to the fee schedule established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

The Department shall maintain complete and accurate records of the costs and expenditures for providing waste collection services, and shall provide the County Manager and the County Commission with periodic statements and reports showing such costs and expenditures. The County Commission shall make periodic adjustment of the fees, assessments and charges for waste collection and disposal services in accordance with the cost analysis of providing such services.

(Ord. No. 59-12, § 3.07, 6-9-59; Ord. No. 60-22, § 5, 7-26-60; Ord. No. 67-25, § 2, 4-7-67; Ord. No. 67-81, § 1, 10-17-67; Ord. No. 69-82, § 1, 11-26-69; Ord. No. 72-6, § 8, 2-1-72; Ord. No. 75-112, § 3, 12-2-75; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-44, § 1, 6-1-82; Ord. No. 82-89, § 1, 9-17-82; Ord. No. 83-97, § 1, 10-18-83; Ord. No. 89-5, § 11, 1-17-89; Ord. No. 89-89, § 7, 9-19-89; Ord. No. 90-16, § 2, 3-6-90; Ord. No. 90-100, § 7, 9-19-90; Ord. No. 91-95, § 20, 9-16-91; Ord. No. 92-43, § 10, 5-19-92; Ord. No. 99-34, § 1, 4-13-99)

Sec. 15-25. Fees for disposal of solid waste brought to County solid waste management facilities.

(a) *Fees at solid waste management facilities.* The department shall charge and collect fees for the disposal and transfer of solid waste brought to County solid waste management facilities at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(b) *Waste material weight estimation.* The Director shall promulgate a schedule of estimated waste material weights to be used in determining fees during emergency periods, such as, but not limited to post-hurricane period, other post-natural disaster periods of weighing equipment malfunctions, when actual weights cannot be obtained. Such estimated weights shall be based on studies of actual waste material weights and shall be uniform for all vehicles of the same type and capacity.

(c) *Fee supplements.* A fee supplement may be added to the established disposal fee when the Director determines that a particular solid waste is solid waste requiring special handling in order to assure the safe and proper disposal of a particular solid waste. This fee supplement shall be based on the additional cost of the required special handling which shall include, but not be limited to, labor, materials, and equipment. The department shall charge and collect fee supplements at the rates established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(d) *Filing of schedules of estimated waste material weights.* The Director shall file with the Clerk of the Board of County Commissioners and make available upon request to all others copies of the schedules required to be promulgated by subsections 15-25(b).

(e) *Appeals from fixing of fees.* Any party aggrieved by the action of the Director, or his designated representative, in the fixing of a fee based on an estimated weight or fee supplement for special handling may appeal the action after paying the fee under protest. Such an appeal must be made in writing to the County Manager within fifteen (15) days after the date of the decision complained of, on a form prescribed by Miami-Dade County. The decision being appealed must be set forth concisely, along with the reasons or grounds for the appeal.

The County Manager shall, within ten (10) days after receiving the written notice of appeal, appoint a three-member committee made up of Departmental personnel other than the Department of Solid Waste Management which, after considering the appeal, may affirm, reverse or modify the decision appealed from, provided that the committee shall not take any action which conflicts with or nullifies any of the provisions of this section. The decision of the committee may be appealed to the Board of County Commissioners by filing within ten (10) days after the date of the decision complained of, on a form prescribed by Miami-Dade County, a written notice of appeal with the County Manager, with a copy to the Clerk of the Board of County Commissioners, which sets forth concisely the decision appealed from and the reasons and grounds for the appeal. Reasonable notice of all hearings shall be provided by the clerk to all affected parties. The Board of County Commissioners may affirm, modify or reverse the decision appealed from. The decision of the Board of County Commissioners shall be final, and no petition for rehearing or reconsideration shall be considered.

(f) *Exemptions.* Any charitable organization, as defined by the Internal Revenue Code, which reconditions used household goods or business discards, shall pay one-half of the uniform disposal fee for the disposal of solid or bulky waste; provided, however, that this partial exemption shall not apply to the payment of transfer station fees, nor shall it prohibit the Director or his designee from assessing a fee supplement for the disposal of solid waste requiring special handling.

Any person owning or leasing property which is used predominantly for agricultural purposes may apply for an exemption from fees for the disposal of solid waste which was dumped illegally on the subject property. The property owner or lessee must deliver the illegally dumped material to the solid waste disposal and resource recovery facility designated by the Department. The application form and procedure for such exemption shall be determined by the Department and shall include an affidavit by the owner or lessee attesting to the accuracy of all information contained in the application. A property will not be eligible for more than one (1) exemption unless the property owner or lessee has fenced, bermed, or taken other measures to prevent illegal dumping.

(g) Disposal fee for permitted landscaping businesses at the neighborhood trash and recycling center(s) and/or County-owned solid waste management facilities shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(Ord. No. 59-12, § 3.09, 6-9-59; Ord. No. 60-22, § 6, 7-26-60; Ord. No. 67-30, § 1, 4-25-67; Ord. No. 69-82, § 2, 11-26-69; Ord. No. 70-43, § 1, 5-27-70; Ord. No. 70-71, § 1, 9-15-70; Ord. No. 73-76, § 1, 9-18-73; Ord. No. 75-17, § 1, 3-4-75; Ord. No. 75-112, § 4,

12-2-75; Ord. No. 79-74, §§ 2, 3, 9-18-79; Ord. No. 80-3, § 1, 1-22-80; Ord. No. 80-143, § 3, 12-16-80; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-36, § 1, 5-4-82; Ord. No. 82-89, § 1, 9-17-82; Ord. No. 82-1905, § 1, 11-2-82; Ord. No. 85-62, § 1, 9-3-85; Ord. No. 89-5, § 12, 1-17-89; Ord. No. 90-17, § 1, 3-6-90; Ord. No. 91-95, § 21, 9-16-91; Ord. No. 92-43, § 11, 5-19-92; Ord. No. 95-174, § 10(Att. D), 9-20-95; Ord. No. 02-166, § 24, 9-19-02; Ord. No. 03-180, § 7, 7-22-03)

Sec. 15-25.1. Legislative findings.

The Board hereby finds and declares that the County has the legal responsibility to provide for solid waste disposal facilities at a level-of-service that satisfies the concurrency requirements of the Local Government Comprehensive Planning and Land Development Regulation Act. The Board further finds and declares that Miami-Dade County has the legal responsibility and authority to provide, or cause to be provided, safe and sanitary solid waste collection, transportation, and disposal services within Miami-Dade County in accordance with Article VIII, Section 6(1)(e), of the 1968 Florida Constitution and Article 1, Section 1.01(9) and (21), Miami-Dade County Home Rule Charter. Moreover, Section 1.01(9) of the Miami-Dade County Home Rule Charter specifically provides the Board of County Commissioners with the power to "provide and regulate.....waste and sewage collection and disposal and water supply and conservation programs.

This Board further finds and declares that collection, transportation, and disposal of solid waste from residential, commercial, industrial, institutional and other establishments and improved properties in the Disposal Facility Fee Area is a matter of serious concern to the health, safety and welfare of the citizens of Miami-Dade County. The Board further finds and declares that collection, transportation, and disposal of solid waste generated in the Disposal Facility Fee Area are essential public services. The Board further finds and declares that imposition of a Disposal Facility Fee on private haulers operating in the Disposal Facility Fee Area is the best and most practical means to meet its legal responsibilities to make available County solid waste disposal capacity, the revenues from which shall be used to pay County solid waste management system costs. (Ord. No. 95-174, § 9(Att. C, § 2), 12-5-95; Ord. No. 96-30, § 3, 2-6-96; Ord. No. 06-172, § 3, 11-28-06)

Sec. 15-25.2. Disposal Facility Fee payable to County.

It shall be unlawful for any private hauler operating in the Disposal Facility Fee Area to either collect, transport, or deliver solid waste for disposal without payment of a Disposal Facility Fee to the County as prescribed herein.

By the twenty-fifth day of each month, all private haulers operating in the Disposal Facility Fee Area shall file a Disposal Facility Fee report with the Director and pay all Disposal Facility Fees owed to the County for the preceding month. The Disposal Facility Fee report shall be filed on forms provided by the County and shall include the private hauler's monthly receipts for solid waste collection and disposal service for all accounts subject to the Disposal Facility Fee for the preceding month, which report shall be subject to audit by the County. The report shall also include a calculation on Disposal Facility Fees owed to the County for the previous month in an amount equal to fifteen (15) percent of the total monthly receipts for solid waste collection and disposal service,

which monthly receipts shall not include Disposal Facility Fees assessed by the private hauler to the customer.

An additional monthly surcharge, equal to one (1) percent of the Disposal Facility Fee amount for the preceding month shall be payable to the County if the fifteen (15) percent Disposal Facility Fee is not paid or the Disposal Facility Fee report is not filed by the twenty-fifth of the month by the private hauler.

Two and one half (2.5) percent of the monthly Disposal Facility Fee amount payable to the County may be retained by each private hauler to help defray administrative costs associated with this fee, including accounting and auditing costs.

(Ord. No. 95-174, § 9(Att. C, § 3), 12-5-95; Ord. No. 96-30, § 4, 2-6-96; Ord. No. 96-143, § 7, 9-18-96; Ord. No. 97-156, § 7, 9-17-97; Ord. No. 98-143, § 7, 9-18-98; Ord. No. 06-172, § 4, 11-28-06)

Sec. 15-25.3. Record keeping.

All private haulers are hereby required to establish and maintain appropriate records, showing in such detail as the Director may prescribe, the amount of monthly solid waste collection and disposal service fee receipts for each account provided solid waste collection and disposal service which is located in the Disposal Facility Fee Area. All such records shall be open to inspection by the Director or his duly authorized agent at all reasonable times. The Director is hereby authorized and empowered to promulgate from time to time such rules and regulations with respect to the establishment and maintenance of such records as he may deem necessary to carry into effect the purpose and intent of the provisions hereof.

(Ord. No. 95-174, § 9(Att. C, § 3), 12-5-95; Ord. No. 96-30, § 5, 2-6-96; Ord. No. 06-172, § 5, 11-28-06)

Sec. 15-26. Payment of solid waste fees.

Residential solid waste fees shall be payable in advance on or before their due date. Fees for residential units shall be payable annually. Fees for commercial or multi-family residential establishments shall be payable annually for minimum-service collection accounts and shall be payable monthly for uncompacted rollaway container accounts, and shall be payable within thirty (30) days of receipt of invoice for special collections and uncontainerized solid waste. In the event that payment of said solid waste fees is by check made payable to the Department and said check is returned by the bank due to insufficient funds or any other reason not the fault of the bank or the Department, the Department shall charge and collect an administrative fee at a rate established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners, to be added to the solid waste fees due to cover administrative costs incurred by Department. In addition, late charges and interest on past-due accounts shall be charged as provided for in this chapter.

(Ord. No. 59-12, § 3.04, 6-9-59; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 22, 9-16-91; Ord. No. 92-43, § 12, 5-19-92)

Sec. 15-27. Reserved.

Editor's note: Sec. 15-27, derived from Ord. No. 59-12, § 3.05, regulating application of payments in event of delinquency, was repealed by Ord. No. 62-33, § 3, enacted July 31 and effective August 10, 1962. The section has been reserved by the editors.

Sec. 15-28. Waste fee shall constitute special assessment liens against all improved real property.

(a) Except as otherwise provided by this chapter, all owners of improved real property in the solid waste collection service area and in municipalities served by the County are required to have accumulations of garbage, bulky waste, and solid waste removed by the Department, and for such governmental service of garbage, bulky waste and solid waste collection, or the availability of such service, all such improved real property shall be liable for the payment of the waste fees set forth in Section 15-24. All waste fees becoming due and payable on and after July 1, 1962 shall constitute, and are hereby imposed as, special assessment liens against the real property aforesaid, and until fully paid and discharged, or barred by law, shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Unless otherwise provided herein, such waste fees shall become delinquent if not fully paid within sixty (60) days after the due date. All delinquent waste fees billed and collected by the Department shall bear a penalty of eighteen (18) percent, and if not fully paid with all accrued penalty assessments by the due date of the next succeeding waste fee payment, an additional eighteen (18) percent penalty shall be added successively for each period until fully paid. Unpaid and delinquent waste fees, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from the due date thereof. Provided, however, that any tax certificates which include delinquent waste fees shall remain valid pursuant to the provisions of Section 197.241 of the Florida Statutes, as amended. Such special assessment liens for waste fees and penalties may be enforced by any of the methods provided in Chapter 86, Florida Statutes, or in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accompanied by any other method authorized by law. Provided that special assessments imposed under the provisions of this chapter on residential units shall be deemed due, become delinquent, receive discounts, bear interest and be collected in the same manner and subject to the same provisions of law as are ad valorem taxes.

(b) [Reserved.]

(c) The Department is authorized and directed to execute and deliver upon request written certificates certifying the amount of waste fees due upon any parcel of real property subject to payment of waste fees, or certifying that no waste fees are due, which certificates shall be binding upon the County. The Department shall make rules and regulations prescribing procedures governing the administration of the provisions of this chapter and providing procedures for the payment of waste liens in periodic installments and the cancellation of waste liens, which rules and regulations when approved by resolution of the Board of County Commissioners and filed in accordance with the requirements of this Code shall have the force and effect of law.

(d) [Reserved.]

(Ord. No. 59-12, § 3.06, 6-9-59; Ord. No. 60-22, § 7, 7-26-60; Ord. No. 62-33, § 1, 7-31-62; Ord. No. 62-51, § 1, 12-4-62; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-44, § 1, 6-1-82; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 92-155, § 5, 12-15-92)

Editor's note: Subsections (b) and (d) have been deleted as obsolete.

Sec. 15-29. Waste fee receipts.

Receipts evidencing the payment of waste fees, in such form as may be approved by the Director, shall be retained by the occupant of the premises covered thereby, and shall be exhibited upon demand of any employees of said department. Failure to exhibit such receipt upon demand shall constitute a violation of this chapter. Waste fee receipts issued for one property may not be transferred to another.

(Ord. No. 59-12, § 3.02, 6-9-59; Ord. No. 60-22, § 28, 7-26-60; Ord. No. 62-33, § 4, 7-31-62; Ord. No. 81-108, § 1, 9-15-81)

Sec. 15-30. Multiple occupancy of premises.

(a) A commercial or multi-family establishment located in the same building or on the same property with a residential unit or with another commercial or multi-family establishment, even though under the same ownership and having one (1) collection point, shall be billed as a commercial or multi-family commercial account.

(b) A commercial or multi-family establishment and a residential unit under the same ownership located in one (1) building or buildings on the same parcel or property in which the owner has a separate collection point for residential, multi-family residential or commercial solid waste shall have the option of consolidating all solid waste at one (1) collection point (in which case, the billing shall be handled as a commercial or multi-family commercial account), or shall continue to have separate collection points (in which case, the solid waste service for the residential portion shall be billed as a residential account and the multi-family residential or commercial solid waste service shall be billed as a separate commercial or multi-family commercial account). Garbage cans, plastic garbage bags and portable containers must be separated on multiple occupancy properties and placed in separate locations. Garbage cans, plastic garbage bags and portable containers must be marked for separate identification.

(Ord. No. 59-12, § 3.03, 6-9-59; Ord. No. 60-22, § 9, 7-26-60; Ord. No. 72-6, § 9, 2-1-72; Ord. No. 72-26, § 4, 5-16-72; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 23, 9-16-91)

Sec. 15-31. Certain exemptions from payment of solid waste fees.

(a) Recipients of State or County welfare funds, when certified as such by the State welfare department or the County Director of public welfare, who would otherwise be liable for the payment of solid waste fees, may be excused from the payment of such fees for the period during which such welfare funds continue to be received.

(b) Commercial or multi-family residential establishments actually employing and using the services of a private solid waste collector who holds a valid permit provided for in Section 15-17 herein for collection of solid waste shall not be liable for the payment of solid waste fees otherwise required to be paid hereunder so long as such employment and use continues.

(Ord. No. 59-12, § 3.10, 6-9-59; Ord. No. 72-6, § 10, 2-1-72; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 91-95, § 24, 9-16-91)

Sec. 15-32. Enforcement and penalties for violation of this chapter.

(a) Violations of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted. Any person found guilty of a violation of any provisions of this chapter shall pay a fine in accordance with the minimum fine schedule indicated in paragraph (d) of this section or be subject to imprisonment in the County Jail not to exceed thirty (30) days, or both such fine and imprisonment, in the discretion of the appropriate court of competent jurisdiction. At the discretion of the Director, violations of this chapter may be prosecuted pursuant to Chapter 8CC of the Code of Miami-Dade County.

(b) Appointment of Special Enforcement Officers, qualifications of Special Enforcement Officers, powers and duties.

(1) The County Manager is hereby authorized to designate and appoint as Special Enforcement Officers, certain County employee(s), normally trained and assigned to inspection functions for the purpose of enforcing this chapter and the rules and regulations pertaining thereto.

(2) Special Enforcement Officers shall have the following qualifications:

a. Satisfactory completion of a course of at least forty (40) hours' duration pertaining to the duties of enforcement officers, which course shall be jointly given by the Directors of the Metro-Dade Police Department and other relevant departments.

b. Approval and certification by the Director of the Metro-Dade Police Department as persons of good moral character and standing in the community suited by temperament and learning to be enforcement officers of the County.

(3) Special Enforcement Officers shall while on duty:

a. Cause uniform civil violation notices to be issued, issue notices of violation and perform such other acts pursuant to Section 15-5(a) for enforcement of this chapter.

b. Perform such additional duties as may be prescribed by ordinance or by administrative orders and regulations of the County Manager.

(4) Special Enforcement Officers shall be identified either by special uniform or badge or both. Special Enforcement Officers shall not carry firearms.

(c) Obstructing Special Enforcement Officer in the performance of duties:

(1) Whoever opposes, obstructs or resists the enforcement officer or other person authorized by the enforcement officer in the discharge of his duty as provided in this Section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

(2) Special Enforcement Officers shall notify the Metro-Dade Police Department immediately when in their judgment an arrest or forcible restraint becomes the appropriate response to a situation.

(d) In addition to any other remedies provided in this chapter, or in Chapter 8CC of the Code of Miami-Dade County, the Director shall have the following judicial remedies available for violations of this chapter or any other lawful rule or regulation promulgated hereunder:

(1) To institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any costs incurred by the County in conjunction with the abatement of any condition prohibited by the provisions of this chapter.

(2) To institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(3) To institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this chapter or any rule or regulation promulgated hereunder, to enjoin and prohibit said violation or to mandatorily compel the cessation of the violation.

(4) These remedies are cumulative and the use of any appropriate remedy shall not constitute an election of remedies by the Department. The use of one (1) remedy shall not preclude the use of any others.

(Ord. No. 59-12, § 5.05, 6-9-59; Ord. No. 72-6, § 11, 2-1-72; Ord. No. 77-56, § 6, 7-19-77; Ord. No. 79-67, § 1, 7-17-79; Ord. No. 81-108, § 1, 9-15-81; Ord. No. 82-105, § 1, 11-2-82; Ord. No. 89-5, § 13, 1-17-89; Ord. No. 90-11, § 3, 2-20-90; Ord. No. 91-95, § 25, 9-16-91; Ord. No. 92-20, § 9, 3-17-92; Ord. No. 92-43, § 13, 5-19-92; Ord. No. 92-155, § 6, 12-15-92; Ord. No. 96-86, § 2, 6-4-96)

Sec. 15-32.1. Team Metro: Delegation of enforcement power and duties.

Unless otherwise provided by ordinance, the Director of Solid Waste Management Department shall delegate his enforcement powers and duties to the Director of Team Metro for the expressed purpose of enforcing the regulations of this chapter as specified in Section 2-969 or in an administrative order of the County Manager.

(Ord. No. 96-86, § 4, 6-4-96)

Sec. 15-33. Advance of funds for operating expenses, automotive vehicles of the Department, establishment of a reserve fund.

(a) Upon the recommendation of the County Manager, and subject to appropriate budget transfer approved by the County Commission, funds for payment of operating expenses of the Department may be advanced, allocated and transferred from the general contingency fund on a temporary basis, provided adequate provision is made for the reimbursement of such advances within the budget year in which such funds are advanced, and provided further that the aggregate amount of such funds advanced shall not at any time exceed sixty (60) percent of the accounts receivable of the Department.

(b) Funds for the purchase of trucks, truck bodies and other automotive vehicles and equipment for use by the Department may be budgeted in the general fund automotive equipment account, provided adequate provisions are made for reimbursement of such advances in the current budget of the Department, and provided further that no such advances shall be made except upon approval of the County Manager.

(c) Funds may be allocated in a reserve fund entitled "reserve for maintenance and purchase of new equipment that is in excess of expenditures utilized by the Department for revenue collection in a given fiscal year." This specific fund shall be established to provide for the unanticipated increases in the maintenance and purchase of mobile equipment.

(Ord. No. 60-40, § 1, 11-22-60; Ord. No. 81-108, § 1, 9-15-80; Ord. No. 89-5, § 14, 1-17-89)

Cross references: Duty of Public Works Department to collect, remove, dispose of waste, adopt and enforce rates, etc., § 2-100(f).

Sec. 15-34. Reserved.

Editor's note: Ord. No. 01-91, § 1, adopted May 8, 2001, repealed section 15-34 in its entirety. Former section 15-34 pertained to the establishment of a solid waste management citizens task force and derived from Ord. No. 92-28, § 2, adopted April 21, 1992; and Ord. No. 93-74, § 1, adopted July 15, 1993.